

OCT 31 2005

Attorney Docket No. 42830-00234

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 1648

BLONDER et al.

) Examiner: Li, Bao Q.

Serial No.: 09/888,235

) **REQUEST FOR REINSTATEMENT**
) **OF APPEAL AND SUBMISSION OF**
) **NOTICE OF APPEAL IN RELATION**
) **NEW THERETO (37 C.F.R. §41.31)**

Filed: June 22, 2001

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Confirmation No.: 8106

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Atty. File No.: 42830-00234

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For: "DELIVERY VEHICLE
COMPOSITION AND METHODS
FOR DELIVERING ANTIGENS AND
OTHER DRUGS"

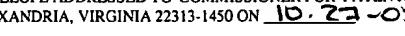
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Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

All claims pending in the referenced application are subject to rejection in an Office Action dated June 27, 2005. This Office Action issued while the application was on appeal and after the filing of a Notice of Appeal and an Appeal Brief.

Enclosed is a new Notice of Appeal submitted for the purpose of reinstating the prior filed appeal on this application. In a telephone conversation with Mr. Fred A Silverberg of the Office Patent Legal Administration, in this situation, no fee for filing the enclosed Notice of Appeal is due. This is because a Notice of Appeal has already been filed in this case, and the associated fee has already been paid. Therefore, it is believed that no fees are due in association with filing the Notice of Appeal enclosed herewith. However, if any fees are due, please debit such fees to Deposit Account No. 50-1419.

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450 ON <u>10.23.05</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  LORI LANE</p>

Attorney Docket No. 42830-00234

Enclosed herewith is a Petition Under 37 C.F.R. § 1.136(a) for a one-month extension of time to respond to the June 27, 2005 Office Action and a check in the amount of \$60.00 for a one-month extension fee, based on small entity status. No other fees are believed to be due with this communication, but if any fees are due, please debit such fees to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: October 27, 2005

By Ross E. Breyfogle

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AP /
JGW

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)

Docket No.
42830-00234

In Re Application Of: BLONDER et al.

Application No. 09/888,235	Filing Date June 22, 2001	Examiner Li, Bao Q.	Customer No. 25231	Group Art Unit 1648	Confirmation No. 8106
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Invention: "DELIVERY VEHICLE COMPOSITION AND METHODS FOR DELIVERING ANTIGENS AND OTHER DRUGS"



COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated June 27, 2005 finally rejecting Claim(s) 1, 4-7, 9-37, 39-44, 148 and 149.

Applicant is a small entity under 37 CFR 1.9 and 1.27.

Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is:

A check in the amount of the fee is enclosed.
 The Director has already been authorized to charge fees in this application to a Deposit Account.
 The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1419
 Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: October 27, 2005

Ross E. Breyfogle
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cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 10-27-05.


(Date)

Signature of Person Mailing Correspondence

Lori Lane

Typed or Printed Name of Person Mailing Correspondence